



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

AKZO NOBEL INC.
INTELLECTUAL PROPERTY DEPARTMENT
7 LIVINGSTONE AVENUE
DOBBS FERRY NY 10522-3408

COPY MAILED

AUG 08 2006

OFFICE OF PETITIONS

Applicant: De Haan et al.
Appl. No.: 10/535,009
International Filing Date: November 13, 2003
Title: PHARMACEUTICAL TABLETS CONTAINING TIBOLONE AND A COATING
Attorney Docket No.: 2002.745US
Pub. No.: US 2006/0041557 A1
Pub. Date: March 9, 2006

This is a decision on the paper requesting a corrected publication under 37 CFR 1.221(b) received on April 17, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication as the second inventor's name "Cornelis Elisabeth Johannes Van Lare" is misspelled as "Cornelis Elisabetht Johannes Van Lare."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office. The inventor's middle name "Elisabetht" is printed correctly as it was provided on the declaration. Even if the Office misprinted the inventor's middle name, it would not be a material error under 37 CFR 1.221(b).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicant's request for a Corrected Publication on April 17, 2006, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

On November 3, 2005, a Filing Receipt was mailed by the Office, which listed the inventor's name as Cornelis Elisabetht Johannus Van Lare. To avoid this type of problem or to make a change in the inventor's name in the future, applicant's representative should make request a corrected filing receipt along with a supplemental application data sheet, which properly spells the inventor's name.


The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy